

MEMORANDUM

Special Item No. 7

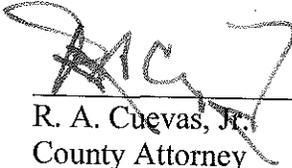
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: (Public Hearing 2-27-14)
February 4, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to
incorporation procedures for
Municipal Advisory Committees;
amending Section 20-29 of the
Code; specifying criteria for
membership, location and
standards for meeting facility,
and time for meetings; providing
applicability

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

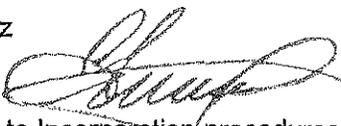
RAC/smm

Memorandum



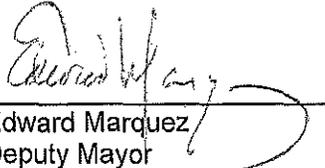
Date: February 27, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance relating to Incorporation procedures for Municipal advisory committees:
Amending section 20-29 of the code of Miami-Dade County; Specifying criteria for
membership, location and standards for meeting facility, and time for meetings

The proposed ordinance relating to incorporation procedures for the Municipal Advisory Committee (MAC) amends Section 20-29 of the Code; specifying criteria for membership, location and standards for meeting facility, and time for meetings. The proposed ordinance may have a fiscal impact on the County. Currently MAC meetings are held in County owned locations such as a library or park facility when available. This ordinance will limit the meeting locations available for regular MAC meetings. If there is no facility in the area that can accommodate the minimum requirements as specified in the ordinance, there may be charges for using non-county space. Additionally, the time requirement that meetings shall not occur before 6:30 p.m. will prevent the MAC from holding workshop meetings during the day to discuss and work on issues.


Edward Marquez
Deputy Mayor

Fis5314



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: February 27, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Special Item No. 7

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Special Item No. 7
2-27-14

ORDINANCE NO. _____

ORDINANCE RELATING TO INCORPORATION PROCEDURES FOR MUNICIPAL ADVISORY COMMITTEES; AMENDING SECTION 20-29 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; SPECIFYING CRITERIA FOR MEMBERSHIP, LOCATION AND STANDARDS FOR MEETING FACILITY, AND TIME FOR MEETINGS; PROVIDING APPLICABILITY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 20-29 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Sec. 20-29. Municipal Advisory Committee—Creation and Limitation of Study Area.

* * *

- (E) >>In the appointment of members to the Municipal Advisory Committee, the Board shall strive to ensure that the members:
- (1) possess a variety of views on whether the study area should become incorporated, and
 - (2) represent all geographical areas within the Municipal Advisory Committee study area.
- (F) Meetings of the Municipal Advisory Committee shall be held within the Municipal Advisory Committee study area and shall meet in a facility that is compliant with the Americans with Disability Act and with an occupancy that exceeds 50 persons. It is provided, however, that in the

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

event that a facility within the Municipal Advisory Committee area is not regularly available that complies with the aforementioned requirements, the meeting of the Municipal Advisory Committee may be held within 1 mile of the Municipal Advisory Boundaries in a facility that meets the aforementioned requirements.

(G) All meetings of the Municipal Advisory Committee shall commence no earlier than 6:30 pm.<<

~~[(E)]~~>>(H)<< The Municipal Advisory Committee shall complete the required feasibility and desirability study within twenty-four (24) months of its initial creation. If the Municipal Advisory Committee does not meet the required deadline, the Municipal Advisory Committee shall automatically sunset. Any Municipal Advisory Committee in existence as of the effective date of this ordinance shall include as part of its report a study of the feasibility and desirability of incorporating and shall be required to complete its study and submit the required report within twenty-four (24) months of the adoption of this ordinance. If a Municipal Advisory Committee in existence as of the effective date of this ordinance does not meet this required deadline it shall automatically sunset. It is provided however, in the event that the Board of County Commissioners adopts an ordinance which suspends the processing of incorporation requests, the calculation of the twenty-four (24) month period of time provided by this section shall be tolled during the pendency of such suspension.

~~[(F)]~~>>(I)<< Any public hearing held by the Board of County Commissioners to consider a proposed incorporation of an unincorporated area shall required that prior to such hearing the Office of Strategic Business Management provide the Board an updated Impact to the Unincorporated Municipal Service Area Analysis.

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Section 2. The provisions of this ordinance relating to the criteria for selection of Municipal Advisory Committee members shall apply to any Municipal Advisory Committee created after the adoption of this ordinance as well as to the filling of any vacancy on any existing Municipal Advisory Board. The provisions of this ordinance relating to the time and location of meetings and standards of meeting facilities of any Municipal Advisory Committee shall apply to any meeting of a Municipal Advisory Committee that is held after the effective date of this ordinance, regardless of when the Municipal Advisory Committee was created.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:


CPH/CJS

Prepared by:

Craig H. Coller
Cynthia Johnson-Stacks

Prime Sponsor: Commissioner Barbara J. Jordan

